

REMARKS

Claims 1-9 are pending in the application and stand rejected.

Rejection under 35 U.S.C §112

Claim 6 stands rejected under 35 U.S.C. 112 as being indefinite for failing to comply with the enablement requirement. In particular, the Examiner finds that the claims contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to make or use the invention, and specifically objects that the presence of perforations is not explained and the place/location of those perforations is not provided.

Applicants note at the outset that an omission was made when the present application was translated from the original Japanese version, omission which has been corrected via amendment hereinabove. This amendment is fully supported by the original Japanese language priority document and introduces no new matter. Applicants further note that the perforated line 131 is clearly shown in figure 7, and thereby the location of the line and its spatial relationship to the overall article is clear to the skilled person. Furthermore, Applicants have also made a clarifying amendment to claim 6 to specifically recite a perforated line made by perforations. Applicants therefore respectfully submit that, in light of the corrective amendment to the specification made herein, the clarifying amendment to claim 6, and original Fig. 7, claim 6 is in fact enabled by the specification and request the Examiner to kindly reconsider and withdraw this rejection.

Rejection under 35 U.S.C §102

Claims 1, 2 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-076296 to Noriyuki et al. In particular, the Examiner finds that, with regard to claim 1, Noriyuki discloses all of the claimed limitations. Applicants have reviewed the reference with care, paying particular attention to the portions cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference.

At the outset, Applicants note that claim 1 has been clarified via amendment herein to recite a plane fastener capable of being re-stuck to and re-peeled off from the outer surface of the back sheet, instead of a sheet-like member. This amendment is supported by plane fasteners 112a and 112b disclosed at, *inter alia*, page 10, lines 18-19. The fastening stickers 5, 5' of Noriyuki, on the other hand, are formed of adhesive tape that cannot be peeled off once it has adhered to the outer surface of the back sheet. Furthermore, the fastening stickers comprise a tape-like member with one edge connected to a rolling sheet 6 and a central portion that is folded several times, and which is used by being pulled on by another edge (the top edge) - and which therefore cannot be separated completely from the main body of the diaper. The drawbacks of such conventional adhesive tape are well known and discussed on page 3, lines 9-20, of the present application. On the other hand, the fastening sticker of the present invention overcomes some of these drawbacks and is clearly not anticipated by Noriyuki. Applicants therefore respectfully submit that claim 1 is in fact patentable over Noriyuki and request the Examiner to kindly reconsider and withdraw this rejection.

Claims 2-9 depend from claim 1 directly or indirectly, and Applicants submit that claims 2-9 are therefore also novel and patentable at least by virtue of their dependency from claim 1.

Rejection under 35 U.S.C §103

Claims 3 and 5-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Noriyuki in view of various other references. As noted above, claims 3 and 5-8 depend from claim 1. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicants submit that claims 3 and 5-8 are also allowable at least by virtue of their dependency on claim 1 as well as the additional limitations recited by each of these claims.

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Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

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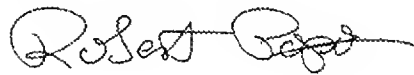
The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

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Respectfully submitted,



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